

REMARKS

With this response, Claims 1-8 and 10-26 will be pending in the present application.

Claims 1, 8, 10, and 13-14 have been amended. Claim 9 has been canceled. Claims 23-26 have been added as new claims. Claims 1, 8 and 13 are independent claims.

Claims 1-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,355,401 to Graves et al. in view of either U.S. Patent No. 5,421,955 to Lau et al. or in view of U.S. Patent No. 5,902,475 to Trozera et al. As set out in more detail below, the Applicants submit that the pending claims, as amended, are patentably distinct from the cited art and, consequently, requests allowance of each of the pending claims in light of the foregoing amendments and following remarks.

The Claims, as Amended, are Patentably Distinct Over Graves in View of Lau or Trozera

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as obvious over U. S. Patent No. 6,355,401 to Graves et al. in view of U.S. Patent No. 5,421,955 to Lau et al or in view of U.S. Patent No. 5,902,475 to Trozera et al. Without addressing the propriety of combining these references, the Applicants respectfully submit that independent claim 1, as amended, and each of its dependent claims (nos. 2-7, 10-12) are patentably distinct over the references because none of the references disclose or suggest the limitations of “determining an amount of therapeutic coating on the medical device” ... “wherein the selected portion of the coating to be removed is a portion of the coating sufficient to reduce the amount of coating on the medical device to a target amount of coating,” as recited in amended independent claim 1. These limitations provide for a target amount of therapeutic coating on a medical device to limit the amount of therapeutic dosage in the coating to be delivered to a patient. In an example embodiment, the step of “determining” the amount of therapeutic coating is determined by weighing the coated medical

device (or, alternatively, by calculating the weight of the coated medical device using coating thickness detectors and density values) and subtracting the known weight of the uncoated medical device. (*See* Specification, ¶¶ 0033-0035). A selected portion of coating is then removed to achieve a “target amount.”

The invention in Graves generally regards completely removing electrically insulative coating from a cardiac pacemaker in a specific area to form a “window” to direct an electrical pulse to targeted tissue (e.g., myocardial tissue in the heart) and avoid stimulating non-targeted areas (e.g., surrounding pectoral muscle). *See* Graves, col. 1:40-65. While Graves discloses variations of coating removal, it does not disclose the steps of determining an amount of therapeutic coating to be removed, and then removing coating to achieve a target amount of therapeutic coating to limit therapeutic dosage delivered to a patient.

Likewise, the invention in Lau, which generally regards the ablation of an etchant-resistant coating mask to expose surfaces of a medical device prior to immersion in a chemical etching bath for removal of substrate material (*see* Lau, col. 3:17-27), does not disclose the steps of determining an amount of therapeutic coating to be removed, and then removing coating to achieve a target amount of therapeutic coating to limit therapeutic dosage delivered to a patient. Thus, the applicants submit that claims 1-7 and 10-12 are patentable over both references either alone or in combination.

Similarly, Applicants respectfully submit that the pending claims are patentably distinct over the combination of Graves and Trozera for the same reasons discussed above. Like Lau, the invention in Trozera generally regards coating a medical device with an etchant-resistant coating mask to expose surfaces of a medical device prior to the step of removing uncovered metal from the medical device in an electro-chemical etching process. *See* Trozera, col. 3:1-34. Trozera

does not disclose the steps of determining an amount of therapeutic coating to be removed, and then removing coating to achieve a target amount of therapeutic coating to limit therapeutic dosage delivered to a patient, as recited in claim 1. Thus, the applicants submit that claims 1-7 and 10-12 are patentable over Graves and Trozera either alone or in combination.

With respect to independent claim 8, as amended, and each of its dependent claims (new claims 23-26), the Applicants respectfully submit that the claims are patentably distinct over the Graves, Lau and Trozera references, alone or in combination, because none of the references discloses or suggests at least the limitations of “providing a pattern recognition system” and “positioning at least one stent strut relative to the laser based on output from the pattern recognition system.” Neither Graves nor Lau discloses or suggests a system that identifies mis-positioned stents and provides corrections to controllers to alter stent positioning relative to a laser for mis-positioned stents. *See generally*, Graves, col. 7:2-36; Lau, col. 7:3-14. Trozera does not teach or suggest laser ablation, *see* Trozera, col. 2:34-35, let alone a pattern recognition system for identifying mis-positioned stents relative to a laser. Thus, the applicants submit that claims 8 and 23-26 are patentable over the references either alone or in combination.

Similarly, with respect to independent apparatus claim 13, as amended, and each of its dependent claims (nos. 14-22), the Applicants respectfully submit that the claims are patentably distinct over the Graves, Lau and Trozera references, alone or in combination, because none of the references discloses or suggests at least the limitation of “a pattern recognition system” ... “wherein the pattern recognition system identifies the positioning of at least one strut of a medical device relative to the laser, determines whether the strut is in a desired position relative to the laser, and provides output to correct positioning of the strut relative to the laser.” Drawing from the above discussion of Graves, Lau, and Trozera, the Applicants submit that none of the

references discloses or suggests a pattern recognition system that identifies the positioning of a strut of a medical device relative to a laser, and provides output to correct strut positioning relative to the laser where the strut is not in a desired position. *See generally*, Graves, col. 7:2-36; Lau, col. 7:3-14; Trozera, col. 2:34-35. Accordingly, the Applicants submit that claims 13-22 are patentable over the references, either alone or in combination.

Claim 9 is Canceled

The limitations found in dependent claim 9 have been incorporated into amended independent claim 1; thus, claim 9 has been canceled.

Claims 23-26 are Added

Dependent claims 23-26 are new claims dependent upon independent claim 8. since claim 8 is believed to be in condition for allowance for the reasons stated above, Applicants submit that claims 23-26 are patentably distinct over the cited references. Support in the specification for new claims 23-26 can be found at least in paragraphs 0037-0038. Claims 23-26 do not raise any new issues or subject matter.

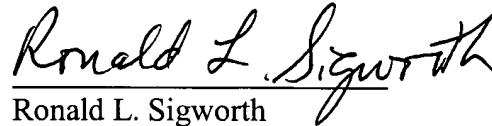
CONCLUSION

In view of the preceding remarks, the Applicant respectfully asserts that each of the pending claims are in condition for allowance and, therefore, requests reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge Kenyon & Kenyon Deposit Account No. 11-0600 for any applicable fee.

Should the Examiner require any additional information regarding this Response, the Examiner is invited to contact the undersigned at (202) 220-4200.

Respectfully submitted,



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Date: November 22, 2005

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